



**Town of Weaverville
Planning Board
Regular Monthly Meeting
Thursday, July 6, 2023, 6:00pm**

Agenda

1. Call to Order – Chair Bob Pace
2. Approval of the Agenda
3. Approval of the Minutes
 - June 6, 2023 regular meeting of the Board
4. Discussion Related to the Potential Implementation of a Conservation Design Concept
5. Short Term Rentals
 - Review of Next Steps Provided in the Presentation by the Land of Sky Regional Council
6. Any Other Business
 - Update on Various Development Projects
7. Adjournment

TOWN OF WEAVERVILLE
PLANNING BOARD AGENDA ITEM

Date of Meeting: Thursday, July 6, 2023

Subject: Minutes

Presenter: Planning Director

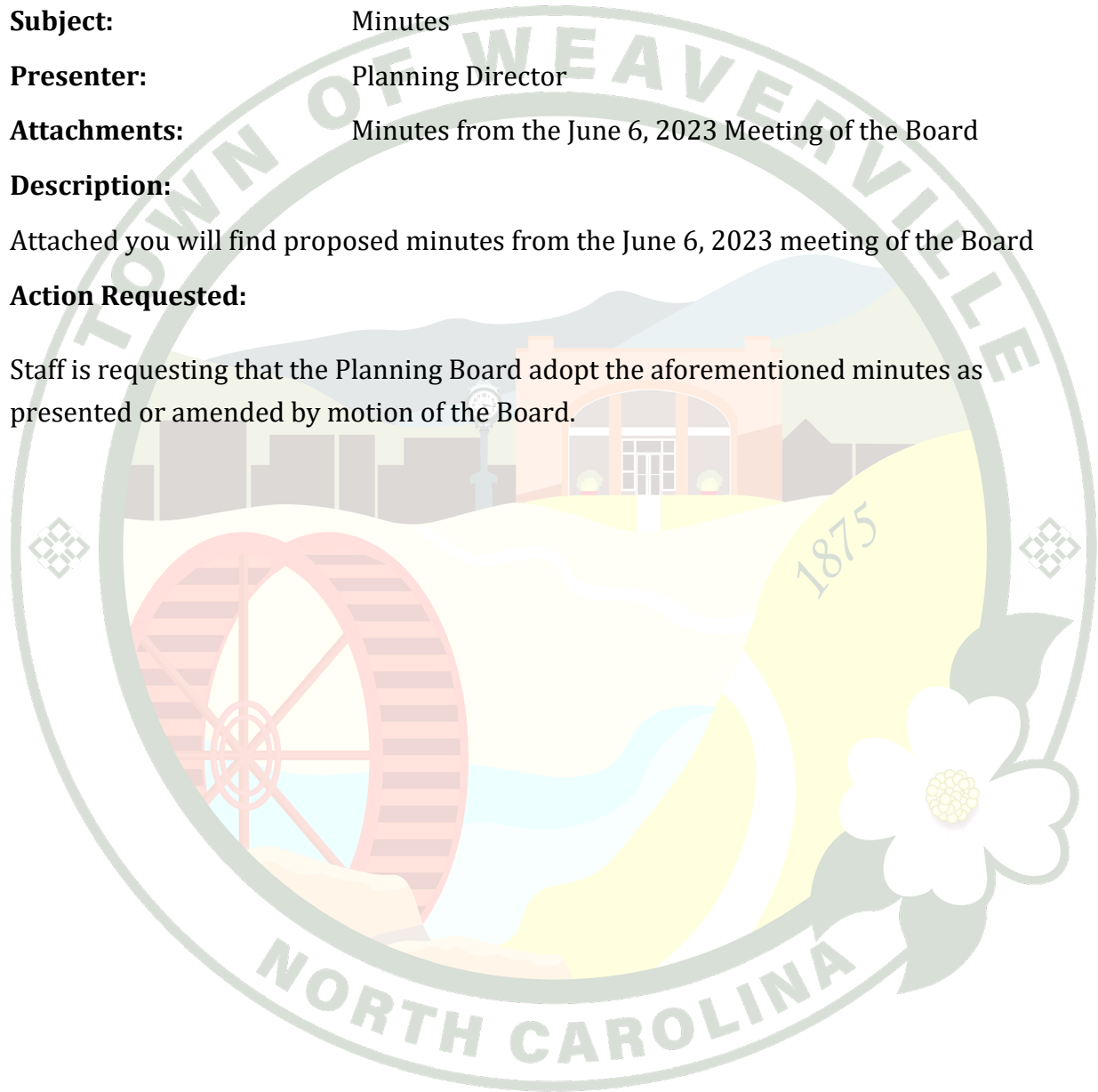
Attachments: Minutes from the June 6, 2023 Meeting of the Board

Description:

Attached you will find proposed minutes from the June 6, 2023 meeting of the Board

Action Requested:

Staff is requesting that the Planning Board adopt the aforementioned minutes as presented or amended by motion of the Board.



Town of Weaverville
Planning Board
Minutes – Tuesday, June 6, 2023

The Planning Board of the Town of Weaverville met for a regularly scheduled monthly meeting at 6:00 pm on Tuesday, June 6, 2023, within Council Chambers at Town Hall.

Present: Board Members Bob Pace, Jane Kelley, and Mark Endries, Town Council Liaison Michele Wood, Town Attorney Jennifer Jackson, and Planning Director James Eller.

1. Call to Order

Mr. Pace called to order at 6:00 pm.

2. Approval of the Agenda

Noting no objections, Mr. Pace declared the agenda approved by consent.

3. Approval of the Minutes

Mr. Endries motioned to approve the minutes of the May 2, 2023, meeting as presented and all voted unanimously in favor of the motion.

4. Short Term Rentals

Mary Roderick and Kayla DiCristina were present at tonight's meeting as representatives of the Land of Sky Regional Council. DiCristina is a regional planner and provided information to the Board concerning regulations and strategies for short term rentals (see attached PowerPoint slides).

Mr. Eller will distribute the PowerPoint presentation with the notes and the Planning Board will consider next steps at the next Board meeting.

5. Any Other Business

Mr. Eller noted that the next meeting of the Board will be on Thursday, July 6th, due to the Fourth of July holiday falling on the normal meeting day. It was also noted that there is now a vacancy on the Planning Board due to Maggie Schroder's recent resignation. Planning Board members were encouraged to let staff know if they are aware of possible applicants or send those applications to staff.

6. Adjournment.

Mr. Pace declared the meeting adjourned at approximately 6:53 pm.

Bob Pace, Chair
Planning and Zoning Board

ATTEST:

James W. Eller
Planning Director / Town Clerk

Short-Term Rentals

Regulations & Strategies

June 6, 2023

Land of Sky Regional Council

Kayla DiCristina, AICP





Short-Term Rentals In General

- The number of short-term rentals (STRs) is **increasing** in Western North Carolina (WNC) and across the entire state.
- Nationally, municipalities are working to regulate STRs.
 - Several municipalities in WNC have enacted land use regulations on STRs including...
 - Asheville
 - Woodfin
 - Blowing Rock



Defining "Short-Term Rental"

- STRs **do not have a singular definition**, but these uses are generally...

*"Residential dwellings rented or leased to guests
staying for a duration less than a set number of days."*

- The NC Vacation Rental Act, which **includes STRs**, defines "vacation rental" as...

*"The rental of residential property for vacation, leisure, or recreation
purposes for fewer than 90 days by a person who has a place
of permanent residence to which he or she intends to return."*



General Drivers To Regulate STRs

- Improve safety of renters.
- Enable generation of transient occupancy tax revenue.
- Ensure that permanent residents have affordable housing options.
- Preservation of neighborhood character.
- Reduce competition between STRs and hotels/bed and breakfasts. Hotels/bed and breakfasts are required to pay local taxes and are subject to inspection for compliance with local health and safety codes while STRs may not be.



Land Use Regulations & Short-Term Rentals



Municipalities have the authority to control the location and use of property through zoning regulations.



Zoning ordinances have a strong presumption of validity if they serve a public purpose related to the “public health, safety, morals, or general welfare” of the communities they regulate.

Considerations In Land Use Regulations for STRs



Do the regulations exceed regulating a property's use and seek to regulate property ownership?



Do the regulations seek to implement a permitting program that acts as a registration program?



Is there a link between advancing public purpose and establishing the regulations? Can evidence supporting that link be provided?

7



"Do"

#1 Define STR as a use in the Table of Permitted Uses.

#2 Allow/disallow based on Zoning District.

#3 Require development approvals.

#4 Impose development and operational standards.

"Don't"

#1 Define STRs based on ownership.

#2 Require registration or enforce any development regulation that is tied to registration or acts as a registration program.

#3 Set standards beyond the rational nexus of public interest and private property use.

Strategies & Recommendations

#1 Effectively House STR Regulations

#2 Clearly Define "STR"

#3 Determine Permitting Requirements

#4 Define Development and Operational Regulations

#5 Consider Practical Enforcement Methods

#6 Address Non-Conformities



#1 Effectively House STR Regulations

STR regulations can be located in a free-standing ordinance or within an existing Zoning Ordinance or Unified Development Ordinance (UDO).

Examples:

- Asheville – Under existing UDO
- Woodfin – Under existing Zoning Ordinance
- Raleigh – Under existing UDO
- Blowing Rock – Under existing UDO



#2 Clearly Define "STR"

Define STR as a use that is distinct from single-family, two-family (etc.), housing and not based on ownership.

Ask....

What is
included?

What is
excluded?

How is this
determined by
staff?

Are all terms in
the definition
defined?



ASHEVILLE

Short-Term Vacation Rental - A dwelling unit with up to six guest rooms that is used and/or advertised through an online platform, or other media, for transient occupancy for a period of less than one month. A short-term vacation rental is considered a "Lodging" use under the UDO.

RALEIGH

Short-Term Rental - A dwelling unit that can be used for overnight lodging accommodations that is provided to renters for no longer than 30 days for compensation. A portion of or the entire dwelling unit can be used for lodging, including part or all of an accessory structure.

WOODFIN

Short-Term Rental - A lodging use that occurs within a single dwelling unit containing a maximum of three bedrooms that is rented to transients for compensation for a period of less than one month.

BLOWING ROCK

Short-Term Rental – The rental, lease, or offer to make available, any attached or detached residential dwelling unit, or portion thereof, by way of a rental agreement, lease, license, or any other means (whether oral or written) for compensation or consideration for a duration that is less than 28 consecutive days.



ASHEVILLE

Homestay - A lodging use that occurs within a private, resident-occupied dwelling unit, and where up to 2 guest rooms are provided to transients for compensation for periods less than 30 days and where the use is subordinate and incidental to the main residential use of the building. A homestay may or may not have a separate kitchen, bathroom and/or entrance. A homestay is considered a "Lodging" use under the UDO.

RALEIGH

Does not define Homestay separately from STR.

WOODFIN

Homestay - A lodging use that occurs within a resident-occupied single-family dwelling wherein space in the home is rented to transients for compensation for a period of less than one month, and where the use is incidental and subordinate to the primary residential use of the property. A homestay may or may not have a separate kitchen, bathroom and/or entrance.

BLOWING ROCK


Does not define Homestay separately from STR.



#3 Determine Permitting Requirements

Development approvals can be required if an STR is a defined use.

Ask....

What Zoning District allows STRs by right? With a Special Use Permit?	Does the permit need to be renewed? When?	What does the permit cost? What if permit costs change?	 Be aware of “permitting” vs. “registration” distinction.
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Examples:

- Raleigh, Asheville, Woodfin & Blowing Rock – Require initial permit only. No renewal or re-inspection required.

LOCATION	DEFINITION	ALLOWED BY RIGHT	REQUIRES SPECIAL USE PERMIT	PROHIBITED
Asheville	Homestay	Central business, commercial, and residential expansion Zoning Districts (conditional districts with flexible development options)	Airport and industrial Zoning Districts and manufactured housing Overlay Districts	All other Zoning Districts
	STR	Resort Zoning District	N/A	All other Zoning Districts (unless issued before January 2018 in the Central business and commercial expansion Zoning Districts)
Raleigh	STR	All residential and most mixed-use Zoning Districts with limited use	N/A	All other Zoning Districts
Woodfin	Homestay	All residential and Mountain Village Zoning Districts with limited use	N/A	All other Zoning Districts
	STR	Commercial and light industrial Zoning Districts with limited use	N/A	All other Zoning Districts
Blowing Rock	STR	Commercial and business Zoning Districts	N/A	All other Zoning Districts



#4 Define Development and Operational Regulations

Development Regulations

Land use standards applied to specific uses. Including...

- Parking spaces
- Lighting
- Signage

Operational Regulations

Restrictions or limits on operation of specific uses. Including...

- Solid waste management
- Limits on large events
- Insurance requirements



#5 Consider Practical Enforcement Methods

Determine sufficient and practical enforcement methods for STRs.

Ask....

Is the current enforcement process on a reporting basis only or is there active code enforcement?	What is the strategy, expectation, and staff time needed?	Is there sufficient staff?	Are there different penalties or processes needed for STRs?
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Examples:

- Asheville, Woodfin, & Blowing Rock – Specific financial penalties for STR violations and utilize standard enforcement procedures.
- Raleigh– Specific permit revocation process for STRs, in addition to standard enforcement procedures.

17



#6 Address Non-Conformities

Establish a process to address non-conformities resulting from new STR regulations.

Ask....

Are the existing non-conformity processes sufficient to address this use?	To what extent is it feasible to require non-conformities to conform to new regulations?	Is there a time period within which structures must conform?
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Examples:

- Asheville, Raleigh, & Woodfin – Must apply for zoning permit for all existing STRs.
- Blowing Rock – Must apply for zoning permit if the use changes to or from an STR.
No initial permit required for existing STR.

Summary

- ✓ The number of short-term rentals (STRs) is increasing in Western North Carolina (WNC) and across the entire state.
- ✓ Local municipalities are regulating STRs (Woodfin, Asheville, and Blowing Rock).
- ✓ Regulation is possible with specific considerations including...

Finding the nexus between the need for regulation and the rights of private property owners.



Paying special consideration to ensure regulations are not related to "ownership".



Being aware of the "permit" vs. "registration" conundrum.

Next Steps

1. Consider **forming a work group** to understand the current STR environment & impact in Weaverville objectively.
2. Consider **conducting public engagement** through community meetings, a survey, or focus groups to gather feedback on STR impacts in the community, both positive and negative.
3. Consider **developing STR regulations**, utilizing the questions asked in this presentation, that are contextual to Weaverville.
4. Consider **implementing and evaluating** the impact of these regulations.

Short-Term Rentals

Regulations & Strategies

Land of Sky Regional Council
Kayla DiCristina, AICP
kayla@landofsky.org



TOWN OF WEAVERVILLE
PLANNING BOARD AGENDA ITEM

Date of Meeting: Thursday, July 6, 2023
Subject: Conservation Design Concept
Presenter: Planning Director and Town Attorney
Attachments: None

Description:

Following up on the conversation last held in May related to a proposed conservation design concept, staff is seeking additional consensus on the topics found below:

Applicability

Single Family	Yes
Multi-family	?
Commercial	?

Minimum lots or acreage requirement for conservation design: 10+ lots or acres?

Required conservation design for single family subdivisions of 20+ acres?

Conservation Design Standards

Minimum conservation area: 20-50%?

Areas and features to be preserved or to count toward conservation threshold:

Riparian areas; mature wooded areas; wildlife habitat and corridors; historic resources; groundwater recharge areas; land with active agricultural uses; scenic resources including viewsheds; large rock outcroppings. Any other additions or subtractions?

Permitted uses within conservation areas:

Agricultural uses; trails, walkways, greenways; trailhead, pervious trailhead parking, map kiosks and related items; streets that provide access to developed areas. Any other additions or subtractions?

Incentives:

Naturally occurring incentives for clustering development include reduced infrastructure improvements such as roads and utility lines.

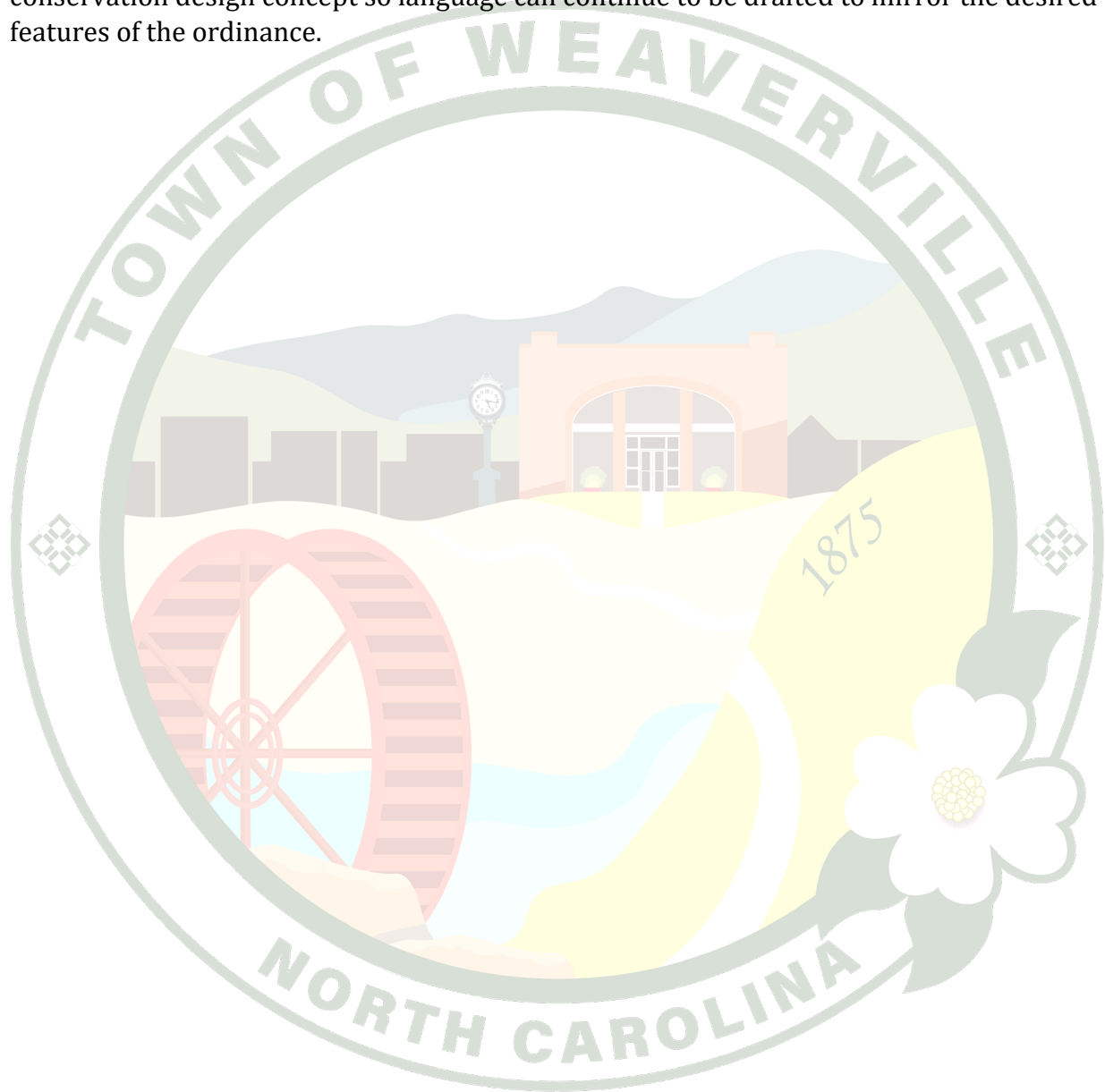
Lot area, lot width, and setback reduction of 20-50%?

Additional height, units per building or density for multifamily projects?

Density bonuses of 20-50%? For the zoning district in which the property is located.

Action Requested:

Staff is requesting a conversation with the Board related to the particulars of a potential conservation design concept so language can continue to be drafted to mirror the desired features of the ordinance.



TOWN OF WEAVERVILLE
PLANNING BOARD AGENDA ITEM

Date of Meeting: Thursday, July 6, 2023

Subject: Short-Term Rentals

Presenter: Planning Director and Town Attorney

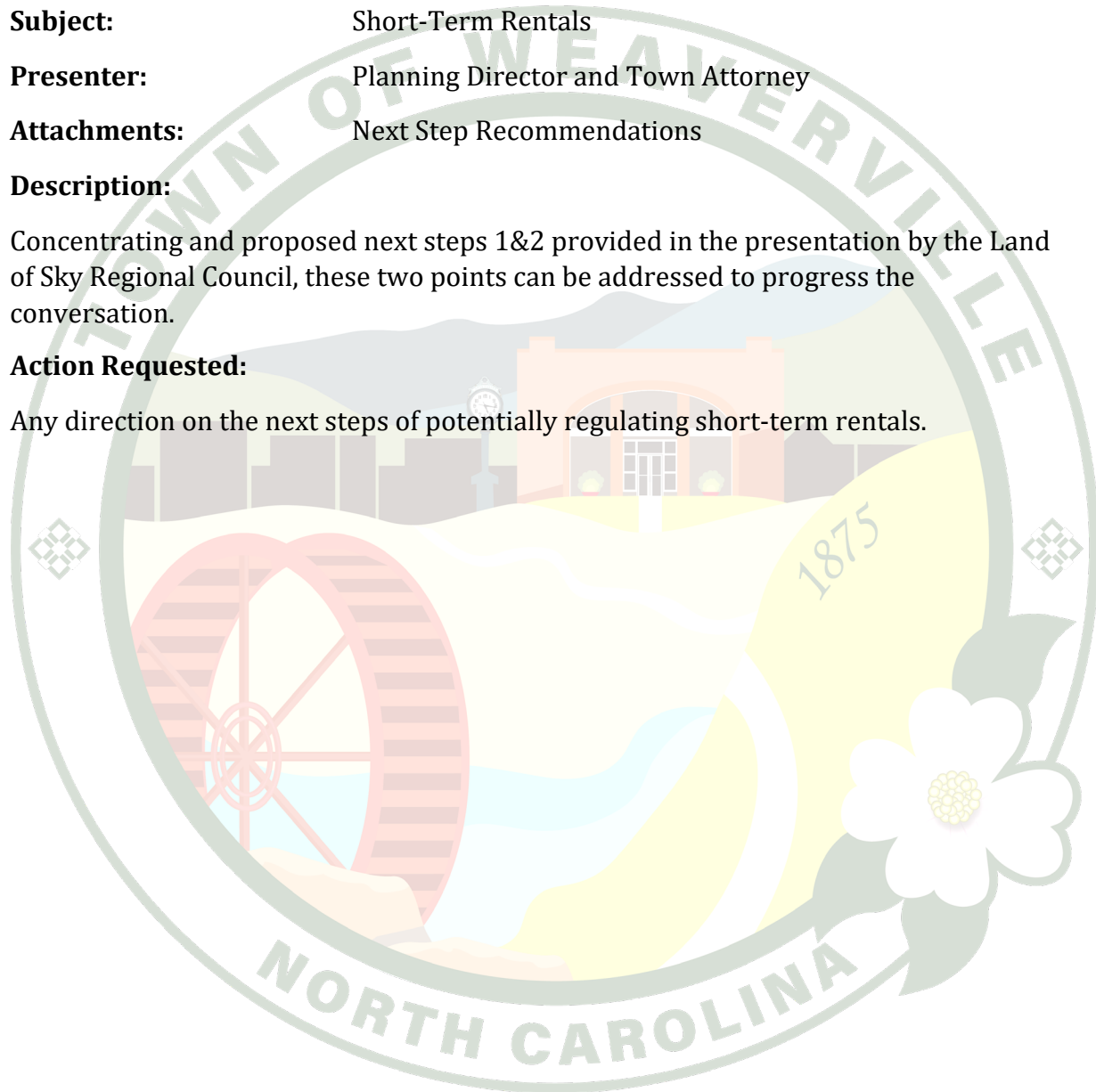
Attachments: Next Step Recommendations

Description:

Concentrating and proposed next steps 1&2 provided in the presentation by the Land of Sky Regional Council, these two points can be addressed to progress the conversation.

Action Requested:

Any direction on the next steps of potentially regulating short-term rentals.



Next Steps

1. Consider **forming a work group** to understand the current STR environment & impact in Weaverville objectively.
2. Consider **conducting public engagement** through community meetings, a survey, or focus groups to gather feedback on STR impacts in the community, both positive and negative.
3. Consider **developing STR regulations**, utilizing the questions asked in this presentation, that are contextual to Weaverville.
4. Consider **implementing and evaluating** the impact of these regulations.

TOWN OF WEAVERVILLE
PLANNING BOARD AGENDA ITEM

Date of Meeting: Thursday, July 6, 2023

Subject: Other Business

Presenter: Planning Director

Attachments: None

Description: Update on Various Development Projects

Over the previous month, staff has fielded two significant development submittals. These include:

1. Ollie Weaver Apartment project. Achieving annexation and R-3 zoning in June 2022 the TRC has now conducted three rounds of review for the project and continues to work with the developer's civil engineers toward permit issuance.
2. 20 and 30 Garrison Branch conditional district. Achieving a conditional district approval in May 2020 for three commercial buildings totaling approximately 70,000 square feet, the TRC has conducted it's first review of the proposed project and provided comment to the developer's civil engineers.

Two more large projects are on the immediate horizon. These include:

1. 480 Reems Creek Road townhome project. Achieving annexation and R-3 zoning in January 2023, plan submittal is anticipated in the summer months.
2. 171 Monticello Road apartment project. Achieving annexation and conditional zoning in February 2023, plan submittal is anticipated in the summer months.

Action Requested:

None